

REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY, CALIFORNIA
AND RECORD OF ACTION

REVISED

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September 9, 2003

FROM: KEN A. MILLER, Director,
Department of Public Works – Solid Waste Management Division

SUBJECT: WAIVER OF SOLID WASTE DISPOSAL FEES FOR THE MORONGO BASIN AND
LUCERNE VALLEY

RECOMMENDATIONS:

1. Find, pursuant to County Code section 16.0231, that waiving or refunding the Solid Waste Disposal Fee (which includes the Environmental Health Services Fee) of \$35.34/ton at the Twentynine Palms Transfer Station, Landers Landfill, Barstow Landfill, and Victorville Landfill for the disposal of storm-related debris serves the public purpose of encouraging the clean up of areas recently damaged by significant thunderstorm activity.
2. Ratify the following August 27, 2003 actions by the Chairman of the Board of Supervisors:
 - a. Waive, retroactive to August 20, 2003 until October 31, 2003, collection of the \$35.34/ton Solid Waste Disposal Fee for residents and businesses delivering storm-related debris to the Twentynine Palms Transfer Station and Landers Landfill, where such debris originated in the Morongo Basin (including the Town of Yucca Valley, City of Twentynine Palms, and the surrounding unincorporated areas of Joshua Tree, Landers, and Morongo Valley) as a result of the August 20, 2003 through August 27, 2003 thunderstorms.
 - b. Refund, on submission of appropriate documentation and satisfactory proof of payment, the \$35.34/ton Solid Waste Disposal Fee collected for the disposal of storm-related debris at the Twentynine Palms Transfer Station and Landers Landfill between August 20, 2003 and August 27, 2003, where such debris originated in the Morongo Basin (including the Town of Yucca Valley, City of Twentynine Palms, and the surrounding unincorporated areas of Joshua Tree, Landers, and Morongo Valley) as a result of the August 20, 2003 through August 27, 2003 thunderstorms.
3. Waive, retroactive to August 20, 2003 until October 31, 2003, collection of the \$35.34/ton Solid Waste Disposal Fee for residents and businesses delivering storm-related debris to the Barstow Landfill, Landers Landfill and Victorville Landfill, where such debris originated in the Lucerne Valley as a result of the August 20, 2003 through August 27, 2003 thunderstorms.
4. Refund, on submission of appropriate documentation and satisfactory proof of payment, the \$35.34/ton Solid Waste Disposal Fee collected for the disposal of storm-related debris at the Barstow Landfill, Landers Landfill and Victorville Landfill between August 20, 2003 and September 9, 2003, where such debris originated in the Lucerne Valley as a result of the August 20, 2003 through August 27, 2003 thunderstorms.

Record of Action of the Board of Supervisors

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BACKGROUND INFORMATION: On August 26, 2003, the Board of Supervisors ratified the Chairman's August 22, 2003 action proclaiming a local emergency related to flash flooding, the accumulation of rainfall, and ground saturation, all from continuing intensive thunderstorms in and around the Town of Yucca Valley. Related to this action, the Chairman (on August 27, 2003) authorized the Solid Waste Management Division (SWMD) to waive the collection of Solid Waste Disposal Fees (including the Environmental Health Services Fees) retroactive to August 20, 2003, for residents and businesses delivering storm-related debris to the Twentynine Palms Transfer Station and Landers Landfill.

SWMD staff subsequently prepared a Press Release for newspapers in the Morongo Basin (The Desert Trail in Twentynine Palms and the High Desert Star in Yucca Valley) announcing that disposal fees would be waived for waste caused by the recent thunderstorms in the area and instructed affected parties to pickup original waiver letters from their city/town, or the county, for each load of storm-related waste to be disposed of at the Twentynine Palms Transfer Station and/or Landers Landfill. In addition, the press release announced that reimbursement may be made for storm related disposal fees already paid by affected parties for the period of August 20, 2003 through August 27, 2003 and instructed the affected parties to forward a letter requesting reimbursement along with copies of the weight receipt(s) to the SWMD. Even though the Board Chairman has previously authorized SWMD to waive or refund the Solid Waste Disposal Fees at the Twentynine Palms Transfer Station and Landers Landfill, Board approval of this action is required in accordance with County Code Section 16.0231. This can be accomplished through approval of Recommendations No. 1 and No. 2.

On August 28, 2003, SWMD began receiving storm-related debris from the Lucerne Valley area. This area was not included in the proclamation of emergency approved by the Board on August 26, 2003. For the public good and in order to service the community in and around the Lucerne Valley area, SWMD is requesting a waiver of the Solid Waste Disposal Fees at the Barstow Landfill, Landers Landfill and Victorville Landfill for storm-related debris originating from the Lucerne Valley area. Once this waiver is approved by the Board (via approval of Recommendation No. 3), SWMD will request the County Public Information Officer to release another Press Release aimed at the residents of the community in and around Lucerne Valley, advising them of the waiver of disposal fees and the associated requirements.

Affected parties in the community in and around Lucerne Valley will be requested to show proof of residence at the landfill scalehouse before they will be allowed to dispose of their load at no charge. Such proof of residence can be in the form of a valid California Drivers License or current utility bill showing their residential address. They will be asked to complete a form certifying that the debris being delivered for disposal is storm-related.

If it is necessary to continue the waiver of Solid Waste Disposal Fees beyond October 31, 2003, SWMD will present another item to the Board for its consideration and approval to extend the waiver period.

REVIEW BY OTHERS: This item was reviewed by Deputy County Counsel Robert L. Jocks on August 28, 2003; Jacquie Adams, Environmental Health Services, on September 2, 2003; and the County Administrative Office (Tom Forster, Administrative Analyst) on September 1, 2003.

FINANCIAL IMPACT: The SWMD's Fiscal Year 2003/2004 Budget does not include any revenues or expenses related to this unanticipated storm-related activity. Staff has estimated a total cost of approximately \$100,000 for disposal of storm-related debris. This amount includes contract disposal costs and payment to the State Board of Equalization (California Integrated Waste Management Board). As a result of this waiver, fee revenue to offset this cost will not be received. However, SWMD's Fiscal Year 2003/2004 Operations Budget (Fund: EAA Dept: SWM Org: OPS Appr: 200 Obj: 2445) has sufficient appropriations and cash available to fund the cost of disposing of the storm-related debris. Therefore, this action will have no impact on the County General Fund.

COST REDUCTION REVIEW: The County Administrative Office has reviewed this item and concurs with the Department's recommendations because this action serves a public purpose of supporting the clean up of areas recently damaged by heavy thunderstorms. This action would also alleviate a financial burden to those residents and businesses negatively impacted by the thunderstorms and related flooding.

SUPERVISORIAL DISTRICT(S): 1st and 3rd.

PRESENTER: Peter H. Wulfman, 386-8703